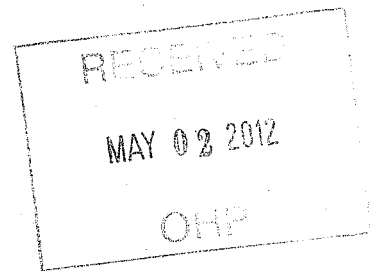


PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING
THE SUTTER BASIN FEASIBILITY STUDY



WHEREAS, the U. S. Army Corps of Engineers, Sacramento District (Corps), is proceeding with the Sutter Basin Feasibility Study, and the Corps has determined that the study and subsequent approved project alternatives (Project) constitute an Undertaking as defined in the Advisory Council on Historic Preservation Procedures 36 CFR § 800.16(y); and

WHEREAS, the purpose of the Sutter Basin Feasibility Study is to address Flood Risk Management in conjunction with Ecosystem Restoration and Recreation. The study area is located in Sutter and Butte Counties California and is roughly bounded by the Feather River, Sutter Bypass, Wadsworth Canal, Sutter Buttes, and Cherokee Canal. The study area covers approximately 300 square miles and is approximately 43 miles long and 9 miles wide. The study area includes the communities of Yuba City, Live Oak, Gridley, Biggs, and Sutter. A map of the study area is included as Appendix 1 to this Programmatic Agreement (PA).

WHEREAS, the Undertaking is authorized under the Flood Control Act of 1962 (Public Law 87-874), that provides the Corps the authority to study flood risk management and related water resources problems in the Sacramento River Basin, including the study area in Sutter and Butte Counties; and

WHEREAS, The Corps has determined that effects on properties that are either included in, or are eligible for inclusion in the National Register of Historic Places (NRHP) cannot be fully determined prior to completion of the Sutter Basin Feasibility Study and selection of approved alternatives; this agreement addresses all phases and segments of the Project; and

WHEREAS, the Corps has consulted with the California State Historic Preservation Officer (SHPO) and offered the Advisory Council on Historic Preservation (ACHP) the opportunity to consult pursuant to Section 106 of the National Historic Preservation Act of 1966 (Section 106), and the implementing regulations described under 36 CFR Part 800; and

WHEREAS, by letter dated March 13, 2012, the ACHP declined to participate in the consultation.

WHEREAS, the Corps has consulted with the non-Federal cost-sharing agencies, the Sutter Butte Flood Control Agency and the Central Valley Flood Protection Board, and has invited them to participate as concurring parties; and

WHEREAS, the Corps has contacted the Mechoopda Indian Tribe of Chico Rancheria, the Greenville Rancheria of Maidu Indians, the Maidu Nation, the Butte Tribal Council, the Mooretown Rancheria of Maidu Indians, the United Auburn Indian Community of the Auburn Rancheria, the Maidu Cultural and Development Group, the KonKow Valley Band of Maidu, the T'Si-akim Maidu, the Strawberry Valley Rancheria, the Berry Creek Rancheria of Maidu Indians, the Enterprise Rancheria of Maidu Indians, and other Native individuals; and invited them to consult on this agreement; and

WHEREAS, the Corps has consulted with the United Auburn Indian Community of the Auburn Rancheria, the Estom Yumeka Maidu Tribe of the Enterprise Rancheria, and the Mechoopda Indian Tribe

of Chico Rancheria who have indicated their interest in participating in this agreement and are invited to participate as concurring parties; and

WHEREAS, the definitions set forth in 36 CFR § 800.16, with amendments effective August 5, 2004, are incorporated herein by reference and apply throughout this PA;

NOW, THEREFORE, the Corps and the SHPO agree that the proposed undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties and to satisfy the Corps' Section 106 responsibilities for all individual aspects of the undertaking.

STIPULATIONS

The Corps shall ensure that the following measures are carried out:

Stipulation I

Professional Qualification

The Corps shall ensure that historic, architectural, and archaeological work conducted pursuant to this agreement is carried out by, or under the direct supervision of, a person or persons who meet the qualifications set by the Secretary of the Interior for Archaeology and Historic Preservation under 36 CFR Part 61.

Stipulation II

Area of Potential Effects

- A. Should the Corps determine that an undertaking is warranted and alternatives are defined, the Corps shall define and document the area of potential effects for all defined alternatives (APE) in consultation with SHPO. If future project design requires redefining the APE, the Corps shall consult with SHPO in a timely manner to amend the APE.
- B. The APE shall include the footprint of all construction activities, staging areas, haul roads, and mitigation sites. The APE may also include sensitive structures within range of vibratory or sonic disturbances, and historic properties and districts close enough to project construction that the integrity of their setting or feeling could be affected.
- C. The APE may include portions of the study area indicated on the map included as Appendix 1.

Stipulation III

Identification and Evaluation

- A. The study is intended to determine the feasibility of a federal action. In the course of making that determination the Corps shall consider the probability of an action effecting historic properties by consulting with Native American groups and reviewing pertinent archaeological records and literature.
- B. The Corps shall acquire a current and complete records and literature search from the Northeast Information Center at California State University, Chico prior to conducting archaeological surveys of the

APE. Records and literature searches shall be considered complete and current for a period of three years after they are conducted unless, in the professional opinion of Corps archaeologists, more frequent updates are required.

- C. The Corps shall consult with Native American groups and individuals, identified as described in Stipulation V (A), to identify properties that are of religious and cultural significance to them and that may be eligible for the National Register. Traditional Cultural Properties will be evaluated following the guidance presented in National Register Bulletin 38: *Guidelines for Evaluating and Documenting Traditional Cultural Properties*.
- D. The Corps shall complete and report the results of all required cultural resources inventories of the undertaking's APE in a manner consistent with the "Secretary of the Interior's Standards and Guidelines for Identification" (48 FR 44720-23) and take into account the National Park Service's publication, "The Archeological Survey: Methods and Uses" (1978: GPO stock #024-016-00091). Inventories shall include both archaeological surveys and inventories of historic buildings, structures, and districts as appropriate. The Corps shall include a geoarchaeological evaluation of the APE in its survey and shall undertake subsurface reconnaissance as appropriate. Surveys shall include areas not previously surveyed and areas where the Corps, in consultation with SHPO, deems previous surveys to be inadequate. The Corps will also include additional areas that may be affected by changes in the project design, borrow areas, haul roads, staging areas, extra work space, mitigation sites, and other ancillary areas related to the undertaking. If identified cultural resources do not need to be evaluated but can be determined eligible based on the results of the survey, context statements, and historic documentation, then the Corps may request SHPO concurrence with those determinations at that time. The Corps shall submit reports produced as a result of intensive surveys to SHPO for review. The Corps shall deliver its submissions to the SHPO in the most expeditious manner possible: by electronic means such as email or fax; or hand delivery. SHPO shall have 15 calendar days after receipt to provide comments to the Corps.
- E. The Corps shall include in its site recordation documents all unrecorded archaeological sites, linear features, and isolates encountered in the course of the survey. The Corps shall prepare updated records of previously recorded sites as necessary. The Corps' survey shall record all prehistoric sites and all historical sites, structures, buildings, and engineering features greater than forty-five (45) years of age. Historic sites to be recorded shall include, but not be limited to: commercial, residential, and ecclesiastical buildings, roads, trails, bridges, levees, culverts, and agricultural features, including ditches.
- F. The Corps shall use the California Department of Parks and Recreation (DPR) form 523 to record all newly discovered historic or prehistoric archaeological sites and isolates, previously recorded archaeological sites, and where necessary, shall create updated site records using the DPR 523 form. Isolates shall be numbered sequentially, plotted on a map, and recorded on a single table within the report. The Corps shall examine non-linear sites that extend outside of the APE in their entirety unless access to land is prohibited or the scale of the resource makes doing so prohibitive. In the event access cannot be gained, the Corps shall consult with SHPO regarding appropriate means of evaluating a given site. The Corps shall record linear resources (i.e., railroad, road, trail, ditch, levee, etc.) that appear on GLO plat maps or are known from other archival data to be potentially significant, or which have associated features or dateable artifacts on DPR 523 site forms. The Corps will treat linear resources not mentioned on GLO plat maps or that appear on GLO plat maps but which are not associated with features or dateable artifacts, or do not otherwise appear to be significant on the basis of known archival data as "isolated feature segments" and shall record them in tabular form and shall include at a minimum a basic GPS map of the linear feature within the APE. Historic structures and buildings shall be recorded using the State Historic Preservation Office, Historic Resources Inventory form.

- G. If the selected project alternative would involve impacts to Federal levees, the levees will be treated as though they were eligible for inclusion in the National Register of Historic Places or an Evaluation Plan (EP) will be developed to provide for consistent and thorough evaluation. If the Corps elects to prepare an EP, the analysis in the EP shall consider the levees in the context of the entire Feather River levee system. Additionally, the EP shall include clear and specific criteria for determining both (1) contributing and non-contributing elements of the levee system and (2) thresholds of adverse effect. Should the Corps, in consultation with the SHPO, determine that a given levee is eligible for the NRHP; a Historic Property Treatment Plan, as described under Stipulation VI, shall be produced for that property.
- H. The Corps shall ensure that EPs prepared for previously unevaluated cultural resources identified within the APE are consistent with the "Secretary of the Interior's Standards and Guidelines for Evaluation" (48 FR 44723-26). The Corps shall develop individual EPs to address different categories of potentially eligible historic properties. The Corps shall develop a Discovery Evaluation Plan (DEP) and a Construction Monitoring Plan (CMP) as components of an EP. An EP shall be used whenever the Corps, in consultation with the SHPO, determines that a cultural resource should be evaluated and use of the EP is essential to determine the boundaries and data potential of the site. If the Corps undertakes any archaeological testing, such testing shall be sufficient to define and delineate the site clearly, and to determine the site's eligibility for inclusion in the NRHP.
- I. The Corps shall submit the EP for concurrent review to the SHPO and appropriate Native American groups. The Corps shall deliver its submissions in the most expeditious manner possible: by electronic means such as email or fax; or hand delivery. The Corps shall allow reviewers 30 calendar days after receipt to comment on the draft EP. The Corps shall ensure that any comments received within that time period are taken into account and incorporated into the final EP. If the Corps cannot concur with comments made by SHPO and/or Native American groups, the Corps will resolve the dispute in accordance with Stipulation XIII. Failure of the SHPO to comment within the specified time period shall not preclude the Corps from finalizing and implementing the draft EP. The Corps shall ensure that the SHPO is expeditiously provided with copies of the final EP.
- J. The Corps and the SHPO may develop standard protection plans (SPP) for classes of resources that occur commonly in the APE and that may be encountered unexpectedly during construction. SPPs shall include a clear description of the class or classes of resources covered and the specific actions that the Corps will take to mitigate or avoid adverse effects to those resources.
- K. The Corps shall submit all SPPs for concurrent review to the SHPO and appropriate Native American groups. Submissions shall be delivered in the most expeditious manner possible: by electronic means such as email or fax; or hand delivery. The Corps shall allow reviewers 30 calendar days after receipt to comment on the draft SPP. The Corps shall ensure that any comments received within that time period are taken into account and incorporated into the final SPP. If the Corps cannot concur with comments made by SHPO and/or Native American groups, the Corps will resolve the dispute in accordance with Stipulation XIII. Failure of the SHPO to comment within the specified time period shall not preclude the Corps from finalizing and implementing the draft SPP. The Corps shall ensure that the SHPO is expeditiously provided with copies of the final SPP.
- L. The Corps, in consultation with SHPO, shall ensure that determinations of eligibility are made in accordance with the criteria set forth in 36 CFR §60.4 for all properties not covered by an SPP, within the APE, that would be affected by the Project; including additional areas that may be affected by changes in the project design, borrow areas, haul roads, staging areas, extra work space, mitigation sites, and other ancillary areas related to the undertaking. If the Corps and the SHPO cannot agree on the eligibility of a property for the NRHP, the Corps shall obtain a determination from the Keeper of the National Register

in accordance with 36 CFR Part 63. The determination of the Keeper shall be final for purposes of this PA. Any other disputes shall be settled following the procedure set forth under Stipulation XIII

Stipulation IV Determinations of Effect

The Corps shall apply the Criteria of Adverse Effect pursuant to 36 CFR §800.5(a) (1) to all historic properties within the APE that will be affected by the Project. The Corps shall make determinations of effect in consultation with the SHPO and other interested parties. If the Corps determines that the project will result in no adverse effects to historic properties then the Corps may issue a notice to proceed with construction. If adverse effects are unavoidable, the Corps shall develop a Historic Properties Treatment Plan following the procedure set forth under Stipulations VI and VII.

Stipulation V Non-Federal Stakeholder Involvement

- A. The Corps will identify potentially interested Native American groups in consultation with the Native American Heritage Commission (NAHC). In consultation with appropriate Indian groups and the NAHC, the Corps will identify historic properties of traditional religious and cultural importance.
- B. Following the guidance provided in National Register Bulletin 38, the Corps shall seek comments from all potentially interested Native American groups when making determinations of eligibility for any Traditional Cultural Properties.
- C. The Corps has consulted with the Sutter Butte Flood Control Agency and the Central Valley Flood Protection Board in the development of this agreement. Both agencies are concurring parties and will be given the opportunity to comment on the identification and treatment of historic properties.
- D. The Corps shall give members of the public an opportunity to comment on the identification and treatment of historic properties.
- E. The Corps shall allow all reviewers 15 calendar days after receipt to provide comments to the Corps. The Corps shall ensure that any comments received during this time period are taken into account and incorporated into the final survey and evaluation reports. Disputes shall be resolved by the Corps in accordance with Stipulation XIII.
- F. Pursuant to Section 36 CFR § 800.6(c)(2-3) of the ACHP's regulations, the Corps shall consider requests by consulting parties and others to become concurring parties to this Programmatic Agreement.

Stipulation VI Preparation of Historic Property Treatment Plans

The Corps, in consultation with SHPO shall ensure that a Historical Property Treatment Plan (HPTP) is developed for the mitigation of anticipated effects on historic properties that will result from the Project. Further, the Corps, in consultation with SHPO, will ensure the development of location and property specific Data Recovery Plans.

- A. Avoidance of adverse effects on historic properties is the preferred treatment approach. The

HPTP shall discuss and justify the chosen approaches to the treatment of project historic properties and those treatment options considered, but rejected. If preservation of part or all of any historic properties is proposed, the treatment plan shall include discussion of the following:

1. Description of the area or portions of the historic properties to be preserved in-place, and an explanation of why those areas or portions of sites were chosen;
2. Explanation of how the historic properties will be preserved in-place, including both legal and physical mechanism for such preservation;
3. A plan for monitoring and assessing the effectiveness of mechanisms to preserve the historic properties; and
4. A plan for minimizing or mitigating future adverse effects on the historic properties if preservation in-place mechanisms prove to be ineffective.

B. When avoidance is not feasible, the Corps, in consultation with the SHPO, shall ensure the development of an appropriate treatment plan designed to lessen or mitigate project-related effects to historic properties. For properties eligible under criteria described in 36 CFR §60.4(a) through (c), the Corps may consider mitigation other than data recovery in the treatment plan (e.g., HABS/HAER recordation, oral history, historic markers, exhibits, interpretive brochures or publications, etc.). Where appropriate, the Corps shall include provision in the treatment plans (content and number of copies) for a publication for the general public.

C. When data recovery is proposed, the Corps in consultation with the SHPO, shall ensure the development of a data recovery plan that is consistent with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation and the ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" (ACHP June 17, 1999). Components to be included in research designs and data recovery plans are found in Appendices 2 and 3 to this PA.

D. Each phase or segment specific treatment plan shall relate directly to the HPTP prepared for the project, providing specific direction for the conduct of data recovery within any project segment. Appendix 3 lists components to be included in data recovery plans.

E. The Corps shall invite the interested public, including Native American groups to provide input on the identification, evaluation, and proposed treatment of historic properties. The Corps shall involve the interested public through letters of notification, public meetings, and/or site visits as the Corps deems appropriate.

Stipulation VII

Review of Treatment Plan

The Corps shall ensure that draft HPTPs are submitted concurrently to the SHPO, the ACHP, and appropriate Native American groups and individuals for review and comment. The Corps shall allow reviewers 30 calendar days after receipt of the draft HPTP to provide comments to the Corps. The Corps shall ensure that any comments received during this time period are taken into account and incorporated into the final HPTP. In the event that disputes are not easily remedied, the Corps shall resolve them in accordance with Stipulation XIII. Failure to comment within this time period shall not preclude the Corps from finalizing and implementing the HPTP. The Corps shall ensure that all reviewers are expeditiously provided copies of the final HPTP.

- A. If the Corps revises the HPTP, it shall allow any party, including the SHPO, 15 calendar days to review the revised HPTP. Failure of the SHPO to comment within the specified time period shall not preclude the Corps from finalizing and implementing the revised HPTP in accordance with the terms of this stipulation.
- B. Once the reviewing parties determine that the HPTP is adequate, the Corps shall issue authorization to proceed with the implementation of the plans.
- C. The Corps shall provide final drafts of the HPTP to SHPO and the ACHP.

Stipulation VIII
Modifications of Project Scope

- A. Identification and Evaluation
 - 1. If modification of the project scope becomes necessary or if activities are proposed in ancillary areas (AAs) such as borrow or disposal areas that have not been previously surveyed for historic properties, the Corps shall ensure that the APE, defined as described under Stipulation II (B), of the modified project or un-surveyed AA is inventoried. Any properties located within those modified APEs that may be affected by the undertaking shall be evaluated.
 - 2. The Corps shall identify and evaluate such properties in the manner specified in Stipulations II through IV.
 - 3. If the Corps discovers any historic properties eligible for listing on the NRHP in the modified APE, the Corps shall develop and implement a supplemental HPTP in the manner specified in Stipulations VI and VII.
- B. The Corps may authorize construction in any area subject to the provisions of this stipulation after the Corps and the SHPO have consulted and agreed in writing that such construction either will not affect historic properties, or that the area does not contain historic properties.

Stipulation IX
Notices To Proceed With Construction

- A. Notices to Proceed (NTP) may be issued by the Corps for individual construction segments, defined by the Corps in its construction specifications, under any of the following conditions:
 - 1. the Corps and SHPO have determined that there are no historic properties within the APE for a particular construction segment; or
 - 2. the Corps and SHPO have determined that there will be no adverse effects caused to historic properties within the APE for a particular construction segment; or
 - 3. the Corps after consultation with the SHPO and interested persons has implemented an adequate treatment plan for the construction segment, and
 - (a) the fieldwork phase of the treatment option has been completed; and

- (b) The Corps has accepted and approved a summary of the fieldwork performed and a reporting schedule for that work.

Stipulation X

Unanticipated Discovery of Historic Properties

If historic properties potentially eligible for the NRHP are discovered during construction, the Corps shall cease ground disturbing activities until it has satisfied the provisions of 36 CFR §800.13(b), "discoveries without prior planning". The Corps shall provide the SHPO and the ACHP an opportunity to review and comment on proposed treatment in accordance with Stipulation VII. The Corps shall contact the SHPO within 48 hours of the discovery. The SHPO has 48 hours to respond following initial contact by the Corps.

Stipulation XI

Curation

The Corps shall ensure that all cultural materials and associated records resulting from identification, evaluation, and treatment efforts conducted under this PA are curated in accordance with 36 CFR Part 79, except as specified in Stipulation XII. Archaeological items and materials from privately owned lands to be returned to their owners should be maintained in accordance with 36 CFR Part 79 until any specified analyses are complete.

Stipulation XII

Native American Consultation and Treatment of Human Remains

- A. The Corps shall ensure that the Indian groups identified above are invited to participate in the development and implementation of the terms of this PA. The specific manner in which this Native American involvement will occur shall be set forth in the HPTPs.
- B. The Corps shall ensure that Native American human remains, grave goods, items of cultural patrimony, and sacred objects encountered during the undertaking that are located on state or private land are treated in accordance with the requirements California State Health and Safety Code, Section 7050.5, NRS 383.
- C. The Corps shall ensure that Native American human remains, grave goods, items of cultural patrimony, and sacred objects encountered during the undertaking that are located on federal or tribal land are treated in accordance with the requirements of the requirements California State Health and Safety Code, Section 7050.5, NRS 383, and the Native American Graves Protection and Repatriation Act of 1990, as amended.

Stipulation XIII

Dispute Resolution

- A. Should any signatory to this PA object within 15 calendar days to plans provided for review pursuant to this PA or to actions proposed or carried out pursuant to this PA, not including determinations of NRHP eligibility (see Stipulation III [J]), the Corps shall notify the SHPO and consult to resolve the objection. If the Corps determines that the objection cannot be resolved, the Corps shall forward all documentation relevant to the dispute to the ACHP. Within 45 days after receipt of all pertinent documentation, the ACHP shall either:

1. Provide the Corps with recommendations that the Corps shall take into account in reaching the final decision regarding the dispute; or
 2. Notify the Corps that it will comment pursuant to 36 CFR §800.7, and proceed to comment. Any ACHP comment provided in response to such a request shall be taken into account by the Corps in accordance with 36 CFR §800.7 with reference to the subject of the dispute.
- B. Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute. The Corps's responsibility to carry out all actions required by this PA that are not subject of the dispute shall remain unchanged.

Stipulation XIV

Amendments, Noncompliance, and Termination

- A. If any signatory believes that the terms of this PA cannot be carried out or are not being met, or that an amendment to its terms should be made, that signatory shall immediately consult with the other signatories to consider and develop amendments to this PA pursuant to 36 CFR §800.6(c)(7)
- B. If this PA is not amended as provided for in this stipulation, the Corps, or the SHPO may terminate it. The party terminating the PA shall in writing provide all other signatories with an explanation of the reasons for termination in accordance with §800.6(c)(8).
- C. If this PA is terminated and the Corps determines that the undertaking authorizing the project will proceed, the Corps shall comply with 36 CFR §800.3-800.6.

Stipulation XV

Duration of the PA

- A. Five years after the execution of the PA, the signatories shall meet to discuss project progress and efficacy of the PA. Signatories will have the option to implement modifications or revisions to the PA at this point.
- B. If the project has not been implemented within ten (10) years of the date of execution of the PA and the PA has not been terminated, the signatories shall consult on a date not less than 90 days prior to the tenth anniversary of the execution of this PA to reconsider its terms. Reconsideration may include continuation of the PA as originally executed, amendment, or termination. If the PA is terminated because the undertaking no longer meets the definition of an "undertaking" set forth in 36 CFR §800.16(y), Stipulation XIV (C) shall apply.
- C. This PA shall be in effect through the Corps's implementation of the undertaking, and shall terminate and have no further force or effect when the Corps, in consultation with the SHPO, determines that the terms of this PA have been fulfilled in a satisfactory manner and/or Corps involvement in the project has ended. The Corps shall provide the other signatories with written notice of its determination and of termination of this PA.

Stipulation XVI

Effective Date

This PA shall take effect on the date that it has been fully executed by the Corps and the SHPO.

EXECUTION of this PA by the Corps, the SHPO, and the ACHP, and its transmittal to the ACHP, and subsequent implementation of its terms evidence that the Corps has afforded the ACHP an opportunity to comment on the undertaking and its effects on historic properties, that the Corps shall take into account the effects of the undertaking on historic properties, and that the Corps has satisfied its responsibilities under Section 106 of the National Historic Preservation Act and applicable implementing regulations for all aspects of the undertaking.

SIGNATORIES:

U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT

BY: William J. Leady DATE: 30 APRIL 2012
William J. Leady, P.E., Colonel, U.S. Army Corps of Engineers, District Commander

CALIFORNIA STATE HISTORIC PRESERVATION OFFICE

BY: Milford Wayne Donaldson DATE: 6/8/12
for Milford Wayne Donaldson, FAIA, State Historic Preservation Officer

CONCURRING PARTIES:

SUTTER BUTTE FLOOD CONTROL AGENCY

BY: _____ DATE: _____

TITLE: _____

STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES, ACTING BY AND THROUGH THE CENTRAL VALLEY FLOOD PROTECTION BOARD

BY: _____ DATE: _____

TITLE: _____

MECHOOPDA INDIAN TRIBE OF CHICO RANCHERIA

BY: _____ DATE: _____

TITLE: _____

UNITED AUBURN INDIAN COMMUNITY OF THE AUBURN RANCHERIA

BY: _____

DATE: _____

TITLE:

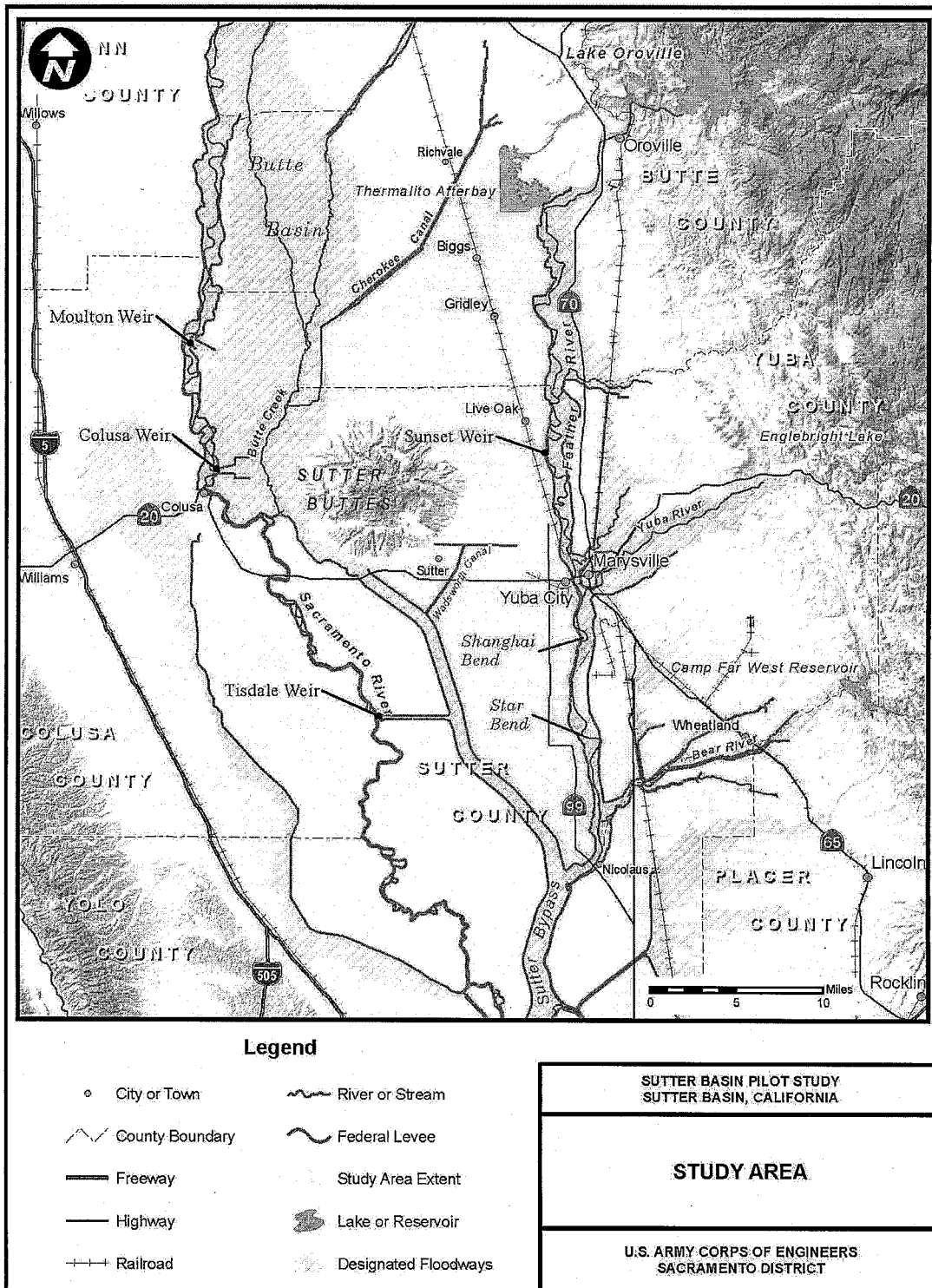
ESTOM YUMEKA MAIDU TRIBE OF ENTERPRISE RANCHERIA

BY: _____

DATE: _____

TITLE:

Appendix 1 Study Area Map



Prepared by Jim Mars

FEB 2012

Appendix 2

Standards and Guidelines for Research Designs

Research designs prepared for this undertaking shall specify, at a minimum:

- The property, or properties, or portions of properties where data recovery is to be carried out;
- Any property, or properties or portions of properties that will be destroyed with data recovery;
- The research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
- The methods to be used, with an explanation of their relevance to the research questions;
- The methods to be used in analysis, data management, and dissemination of data, including a schedule;
- The proposed disposition of recovered materials and records;
- Proposed methods by which the parties to the Programmatic Agreement will be kept informed of the work and afforded the opportunity to participate; and
- A proposed schedule for the submission of progress reports to the California State Historic Preservation Officer.

Appendix 3

Historic Property Treatment Plans (HPTP) shall address:

- The historic properties or portions of historic properties where treatment will be implemented;
- Any historic properties or portions of historic properties that will be destroyed or altered without treatment;
- If the property or properties are eligible under criteria (a), (b), or (c), a mitigation plan other than data recovery may be considered. These may include, but are not limited to HABS/HAER recordation, oral history, historic markers, exhibits, interpretive brochures or publications.
- If the property or properties are eligible under criterion (d), a research design including the research questions and goals that the data recovery on a property could inform, an explanation of the theoretical and substantive relevance and importance of the proposed research, and specifically how the proposed actions will inform those questions and goals;
- The field and analysis methods to be used, with an explanation of their relevance to the goals of the mitigation;
- The methods to be used in data management and dissemination of data, including a schedule;
- The proposed disposition of recovered materials and records;
- Proposed methods for disseminating results of work to cultural resources professionals and separately to the interested public;

- Proposed methods by which appropriate Native American groups and individuals, local governments, and other interested persons will be kept informed about implementation of the HPTP and afforded an opportunity to comment;
- A proposed schedule for submission of progress reports to the Corps, SHPO, and the Council;
- Methods and procedures for the recovery, analysis, treatment, and disposition of human remains, associated grave goods, and objects of cultural patrimony that reflect any concerns and/or conditions identified as a result of consultations between the Corps and any affected Native American Group (see Stipulation XII);
- Qualifications of consultants employed to undertake the implementation of the STP, meeting at minimum those standards described in Stipulation I.

Avoidance of adverse effects on historic properties is the preferred treatment approach. The HPTP will discuss and justify the chosen approaches to the treatment of project historic properties and those treatment options considered, but rejected. If preservation of part or all of any historic properties is proposed, the treatment plan will include discussion of the following:

1. Description of the area or portions of the historic properties to be preserved in-place, and an explanation of why those areas or portions of sites were chosen;
2. Explanation of how the historic properties will be preserved in-place, including both legal and physical mechanism for such preservation;
3. A plan for monitoring and assessing the effectiveness of mechanisms to preserve the historic properties; and
4. A plan for minimizing or mitigating future adverse effects on the historic properties if preservation in-place mechanisms prove to be ineffective.